

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 15, 2003

**D040965        People v. Sena**

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

**D040831        People v. Lopez**

The judgment is affirmed.

**D042621        In re Sergio H., a Juvenile**

The judgment is affirmed. The juvenile court is directed to amend the minute order to include the visitation order referred to in the opinion. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

**D043327        Chanthavong v. Superior Court of San Diego County/People**

The petition is denied.

**D041605        People v. Alvarez**

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Benke, J.

**D043325        In re Aceves on Habeas Corpus**

The petition is denied.

**D043326        In re Estevez on Habeas Corpus**

The petition is denied.

**D040496        Sea Financial, Inc., et al. v. Court Reporting Institute & Agency, Inc.**

The judgment is reversed and the trial court is instructed to enter judgment in favor of Court Reporting on Sea Financial's cross-complaint. In all other respects, the judgment is affirmed. Court Reporting to recover its costs of appeal. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D041147        Sea Financial, Inc., et al. v. Court Reporting Institute & Agency, Inc.**

Order reversed. Appellant to recover its costs of appeal. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
December 16, 2003

**D043291        Selznick v. Superior Court of San Diego County/Indotel, S.A. de C.V.**

The petition is denied.

**D040783        Kiss v. Titus Interactive S.A.**

The judgment in TISA's favor is reversed. The appellant shall recover his costs on appeal. Nares, J.;  
We Concur: Huffman, Acting P.J., McIntyre, J.

**D040729        Mayer et al. v. Peters & Freedman, LLP**

Judgment affirmed. Respondent to recover its costs of appeal. Benke, J.; We Concur: McConnell, P.J.,  
O'Rourke, J.

**D040590        People v. Zamora**

The grand theft conviction and its attendant personal firearm use enhancement are reversed. The sentence imposed and stayed and the victim restitution ordered based on that conviction are vacated. The judgment is modified to strike the prison prior. In all respects, the judgment as modified is affirmed. Unless the People elect to retry the grand theft charge within 30 days from remand, the trial court is directed to prepare an amended abstract of judgment reflecting the modified judgment and forward a copy of it to the Department of Corrections. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D040636        Kale v. Cover-All, Inc.**

Judgment reversed. Appellant to recover his costs of appeal. Benke, J.; We Concur: McConnell, P.J.,  
O'Rourke, J.

**D040767        Romo v. Amedex Insurance Company**

The judgment is affirmed. Respondent is to recover its costs on appeal. Nares, J.;  
We Concur: Huffman, Acting P.J., Aaron, J.

**D039147        People v. Abelar**

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D040361        A.B.H. Investments, Inc., et al. v. Narven Enterprises, Inc., et al.**

The petition for rehearing is denied.

**D043331        Thompson v. Superior Court of San Diego County/People**

The petition is denied.

**D043406        In re Johnson on Habeas Corpus**

The petition is denied as premature.

**D043208        Williams v. Superior Court of San Diego County/People**

The petition is denied as premature. The San Diego County Sheriff's Department is ordered not to destroy the weapons which are the subject of this petition. The District Attorney is to advise the appropriate authority at the sheriff's department of this order.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 17, 2003

**D040339        People v. Dominguez**

The order and judgment are affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D041040        People v. Abel**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D042336        In re Brianna V., a Juvenile**

The order is affirmed. Nares, J.; We Concur: McConnell, P.J., McDonald, J.

**D041793        Klat v. Regents of the University of California San Diego**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D041454        People v. Padilla**

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D041512        Candido v. National School District**

The judgment is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D041232        City of San Diego v. Pacific Beach Recreation Council, Inc., et al.**

The portion of the judgment awarding respondent \$15,289.77 against appellants Lutz and Gallup is reversed. The remainder of the judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D041549        Klaass v. Rational Software Corporation**

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D042951        Penny L., et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petitions are denied. Irion, J.; We Concur: McConnell, P.J., Nares, J.

**D040721        Supralife International v. Whiting et al.**

Judgment affirmed. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

**D040627        Padres L.P. v. Henderson**

The order of the superior court denying Henderson's special motion to strike is reversed as to the Padres' second and fourth cause of action. Otherwise, the order is affirmed. CERTIFIED FOR PUBLICATION. McIntyre, J.; I Concur: Nares, J.; I Dissent: Benke, J. (opinion)

**D043216        Maria F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Denise D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Denise D. is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 17, 2003(continued)

**D043217        Tanya H. et al. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Michael D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D043427        Bashkin v. Superior Court of San Diego County/Glickman**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 18, 2003

**D042699        In re P. C., a Juvenile**

The order is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D043060        In re Jacob N., a Juvenile**

The appeal is dismissed. McIntyre, J.; We Concur: McConnell, P.J., Haller, J.

**D041126        Panther v. Financial Asset Management Foundation**

The order of the superior court denying FAMF's motion to vacate or amend the judgment is affirmed. Panther is to recover his costs of appeal. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D040834        Onceblue Enterprises, Inc. v. Kiewit Pacific Company et al.**

The judgment is affirmed. Respondents are awarded costs on appeal. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

**D040234        In re the Marriage of Jensen**

The order is reversed in its entirety, and the matter is remanded to the trial court for its entry of a new order denying Peter's request for visitation and other relief under the MSA. The stay issued on June 26, 2002, is vacated. Julie is awarded costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; I Concur: Nares, J.

I would affirm the trial court's order subject to any objection interposed by Poomi or someone authorized to act on his behalf. CERTIFIED FOR PUBLICATION. Benke, J.

**D042975        Jane R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D042018        People v. Mills**

The case is remanded to the trial court with directions to stay the sentence on count 2, and to send to the Department of Corrections a corrected abstract of judgment. In all other respects the judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D042058        Dysart v. Superior Court of San Diego County/Lampco Productions, Inc.**

Let a peremptory writ of mandate issue directing respondent superior court to set aside its order denying Dysart's motion for summary judgment, and instead enter a new order granting the motion. On our decision becoming final, the stay issued on August 12, 2003, is vacated. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

**D040887        People v. Petersen**

The judgment is reversed as to counts 3 and 4. The one-year sentence imposed for the knife-use enhancement is stricken. In all other aspects, the judgment is affirmed. The superior court is directed to amend the abstract of the judgment accordingly and forward a copy to the Department of Corrections. Huffman, J.; We Concur: McConnell, P.J., Nares, J.

**D040653        People v. Wesley**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 18, 2003 (Continued)

**D040301        People v. Flores**

The judgment of conviction is reversed as to count five. In all other respects, the judgment is affirmed.  
Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D041180        In re the Marriage of Tydlaska**

The opinion filed November 19, 2003 is ordered certified for publication except for parts II, III, IV and V.

**D043418        In re Wright on Habeas Corpus**

The petition, motion and request are denied.

**D043403        Chuma v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 19, 2003

**D042027        Liang v. Liao**

Judgment affirmed. Costs awarded to respondent. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

**D042357        People v. Villa**

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

**D041446        People v. Pimental**

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Nares, J.

**D040696        Duong v. Le et al.**

The order is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D042527        Stakely v. Superior Court of San Diego County/People**

Because administrative proceedings have commenced against Dr. Stakely, the petition is moot and the order to show cause issued August 4, 2003, is discharged. The petition is dismissed. The parties are to bear their own costs in this writ proceeding. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

**D043356        Jesperson v. Superior Court of San Diego County**

Let a writ issue directing the superior court to vacate its ruling of November 21, 2003, and enter an order granting the funding requested. The original petition and exhibits in this case shall remain under seal. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).)